

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

CRAIG GORDON

PLAINTIFF

VERSUS

Civil Action No. 3:20cv197-GHD-RP

HOLLY SPRINGS SCHOOL DISTRICT

**A business entity of form unknown, HOLLY SPRINGS
INTERMEDIATE SCHOOL, a business entity
of form unknown, DR. IRENE WALTON TURNAGE
(individually and in her official capacity), TANESHA
PAYNE SCOTT (individually and in her official capacity),
CHARISSE HARRIS (individually and in her official
Capacity), LEMON PHELPS (individual and in his
Official capacity), RAY AUTRY (individually and in his
Official capacity), SHELIA WALTON (individual and in
Her official capacity, and HOLLY SPRINGS SCHOOL
DISTRICT SCHOOL BOARD**

DEFENDANTS

NOTICE OF REMOVAL

COMES NOW Defendants Holly Springs School District, Holly Springs Intermediate School, Dr. Irene Walton Turnage, Tanesha Payne Scott, Charisse Harris, Lemon Phelps, Ray Autry, Shelia Walton, and the Holly Springs School District School Board by and through counsel and pursuant to 28 U.S.C. §§ 1331 and 1441 and hereby remove this cause to this Court and in support thereof would show as follows:

1. On or about April 3, 2020, Plaintiff Craig Gordon (Plaintiff) filed this action styled *Craig Gordon v. Holly Springs School District a business entity of form unknown, Holly Springs Intermediate School, a business entity of form unknown, Dr. Irene Walton Turnage (individually and in her official Capacity), Tanesha Payne Scott (individually and in her official capacity), Charisse Harris (individually and in her official capacity), Lemon Phelps (individual*

and in his official capacity), Ray Autry (individually and in his official capacity), Shelia Walton (individual and in her official capacity, and Holly Springs School District School Board, Cause No. CV2020-115 in Marshall County Circuit Court. A copy of the Complaint is attached as Exhibit “A.”

Federal Question Jurisdiction

2. Defendants were served beginning June 4, 2020 and proceeding thereafter. Removal is appropriate pursuant to 28 U.S.C. §1441 because Plaintiff has initiated a civil action over which this Court has original jurisdiction. Consequently, this Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1441.

3. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because this action was originally filed in Marshall County, Mississippi, which is located in the Northern Division. This Notice of Removal is therefore timely pursuant to 28 U.S.C. Section 1446(b). By filing this Notice of Removal, Defendants have not waived, and hereby affirmatively assert, any and all affirmative and/or other defenses available and/or applicable to it, including those set forth under Mississippi and/or Federal Rules of Civil Procedure 8 and 12.

4. Removal is appropriate pursuant to 28 U.S.C. §1441 because Plaintiff has initiated a civil action over which this Court has original jurisdiction. Plaintiff's Complaint in the state court action explicitly includes claims of "Craig Gordon's employment was terminated in part because of his protected status (i.e. race and/or good faith complaints)" Although vaguely pled, Plaintiff clearly asserts federal question claims. *Scott v. Greiner*, 858 F. Supp. 607, 610 (S.D.W.Va. 1994) ("When a plaintiff specifically and intentionally raises a federal question on the face of the complaint, the action is removable regardless of the vagueness of the allegations. Simply put, where a plaintiff openly asserts a federal claim, the action immediately becomes

removable.”). Consequently, this Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1441.

5. A copy of the Complaint served on Defendants is attached hereto as **Exhibit “A”** and is incorporated herein by reference. A certified copy of the entire state court record will be filed as soon as received pursuant to L.U.Civ.R. 5(b).

6. Defendants, after promptly filing this Notice of Removal, will give notice to all adverse parties and is further filing a Notice of Removal to the Circuit Clerk of Marshall County, Mississippi with a copy of this removal attached.

7. Defendants further reserves the right to amend and/or supplement this Notice of Removal.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court assume jurisdiction over the cause herein as provided by law.

RESPECTFULLY SUBMITTED this the 2nd day of July, 2020.

Craig Gordon v. Holly Springs School District a business entity of form unknown, Holly Springs Intermediate School, a business entity of form unknown, Dr. Irene Walton Turnage (individually and in her official Capacity), Tanesha Payne Scott (individually and in her official capacity), Charisse Harris (individually and in her official capacity), Lemon Phelps (individual and in his official capacity), Ray Autry (individually and in his official capacity), Shelia Walton (individual and in her official capacity, and Holly Springs School District School Board [all as reflected in the style of the case]

ADAMS and REESE LLP

/s/ Elizabeth Lee Maron
Attorney

OF COUNSEL:

Elizabeth Lee Maron (MS Bar No. 10133)
Adams and Reese LLP
1018 Highland Colony Parkway, Suite 800
Ridgeland, MS 39157
TEL: 601-292-0719
FAX: 601-355-9708
Elizabeth.maron@arlaw.com

CERTIFICATE OF SERVICE

I do hereby certify that I have this 2nd day of July, 2020 filed a Notice of Removal in the United States District Court with the Clerk of the Court. It has also been emailed and mailed to counsel below at the contact information listed below.

Preston Ray Garrett
Jesse M. McRight, III
Attorneys for Plaintiff
1205 Office Park Drive, Suite B
Oxford, MS 38655

A copy of this Notice of Removal was attached to the Notice of Removal to the United States District Court filed in the Marshall County Circuit Court.

Lucy Carpenter, Circuit Clerk
P. O. Box 459
Holly Springs, MS 38635-0459

/s/Elizabeth Lee Maron

Attorney for the Defendant